



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

May 23, 2011

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## SACRAMENTO UPDATE

This memorandum contains two pursuits of County position related to the Governor's May Revision proposal to shift AB 3632 mental health services from counties back to school districts, and legislation regarding the prohibition of smoking of tobacco products in an enclosed space at a place of employment or owner-operated business.

### Pursuit of County Position on a State Budget Item

The Governor's May Revision proposes to shift AB 3632 mental health services from county mental health and social services departments back to school districts, and provides an increase of \$221.8 million from the State General Fund to shift the responsibility, including out-of-state residential services. In addition, the May Revision proposes a \$68.0 million decrease in FY 2011-12 to reflect a shift in responsibility of funding for Seriously Emotionally Disturbed (SED) residential care placements from the State Department of Social Services to school districts.

Federal law requires school districts to provide mental health services to special education students in order for them to benefit from a free and appropriate public education. The AB 3632 program, which became effective in 1985, transferred the mandate to provide mental health and residential care services from school districts to counties. The mandate and funding for the AB 3632 program was suspended for FY 2010-11 by former Governor Arnold Schwarzenegger. Since October 1, 2010, the County has provided AB 3632 services via funding agreements (memorandums of understanding) with the school systems who paid the County to provide these services.

*"To Enrich Lives Through Effective And Caring Service"*

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Currently, the Department of Mental Health (DMH) serves approximately 4,061 children annually in 81 school districts under the AB 3632 program, and also in probation camps and juvenile hall. As of April 2011, approximately 536 children are in residential placement, with 382 children in out-of-state placements. Furthermore, DMH contracts with 34 community agencies to provide AB 3632 services, 40 residential contract providers and 40 individual contract assessors, and provides these services in seven directly operated mental health clinics.

The Department of Mental Health supports the Governor's May Revision proposal to shift AB 3632 mental health services back to school districts because it reinforces the Federal mandate that schools bear the responsibility for the mental health services provided to SED children. The administration of the program could be better managed by school districts as the program involves more than just the provision of mental health services. In addition, counties have not been consistently reimbursed by the State for providing these mental health services. DMH indicates that the total amount owed to the County by the State is \$68.3 million for FY 2002-03 through FY 2009-10.

In addition, as indicated above, the May Revision proposes a \$68.0 million decrease in FY 2011-12 to reflect a shift in responsibility of funding for SED residential care placements from the State Department of Social Services to schools. The Department of Children and Family Services (DCFS) indicates that the County's share of the \$68.0 million statewide decrease is \$18.4 million, which includes a \$10.6 million County match to draw down this State revenue. Under the May Revision proposal, the County would no longer be responsible for providing the match of \$10.6 million.

Consistent with existing Board policy to support full and timely funding of Federally-mandated mental health services for special education students under the AB 3632 program, and support restructuring of the program to transfer responsibility from counties to school districts, **the Sacramento advocates will support the Governor's May Revision proposal to return the AB 3632 mandate back to school districts.**

The Assembly Budget Subcommittee will be considering this issue on May 24, 2011 and the Senate Budget Subcommittee is also expected to consider it this week.

#### **Pursuit of County Position on Legislation**

**SB 575 (DeSaulnier)**, which as amended on April 6, 2011, would prohibit the smoking of tobacco products in an enclosed space at a place of employment or owner-operated business, unless otherwise exempted.

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Existing law exempts certain places of employment from the prohibition of smoking tobacco products in an enclosed place, such as a hotel/motel lobby or banquet room; gaming clubs, bars, taverns; or patient smoking areas in long-term health care facilities.

According to the Department of Public Health (DPH), secondhand smoke is known to pose health risks to both adults and children. In Los Angeles County, approximately 9,000 residents die annually from smoke-related diseases. DPH further notes that over \$4.0 billion is spent annually on health care expenditures and lost productivity in the workplace associated with tobacco use.

The Department of Public Health and this office support SB 575. Therefore, consistent with existing Board policy to support proposals that would reduce the exposure to secondhand smoke, including in outdoor areas, multi-unit housing complexes, and designating secondhand smoke as a public nuisance, **the Sacramento advocates will support SB 575.**

SB 575 is sponsored by the American Cancer Society, American Heart Association, and the American Lung Association, and is supported by the Health Officers of California; American Federation of State, County and Municipal Employees; San Francisco Tobacco Free Coalition; among other organizations. SB 575 is opposed by the Cigar Association of America, California Association of Health Facilities (unless amended), and the Small Business Commission, City and County of San Francisco.

SB 575 is on the Senate Floor.

We will continue to keep you advised.

WTF:RA  
MR:OR:VE:er

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants